

REMARKS/ARGUMENTS

This Amendment is being filed in response to the first Official Action on a Request for Continued Examination (RCE) of the above-identified application. The first Official Action of this RCE rejects Claim 10 under 35 U.S.C. § 112, second paragraph, for including the phrase “the system” without sufficient antecedent basis. In response, Applicant has amended independent Claim 10 to instead recite “the apparatus,” which does include sufficient antecedent basis. Applicant therefore respectfully submits that the rejection of Claim 10 under § 112, second paragraph, is overcome.

The Official Action also rejects all of the pending claims, namely Claims 1-54, as being anticipated by U.S. Patent Application Publication No. 2002/0058504 to Stanforth, or as being unpatentable over Stanforth, in view of U.S. Patent Application Publication No. 2004/0024879 to Dingman et al. That is, the Official Action rejects Claims 1-5, 7-14, 16-23, 25-32, 34-41, 43-50 and 52-54 under 35 U.S.C. § 102(b) as being anticipated by Stanforth; and rejects the remaining claims, namely Claims 6, 15, 24, 33, 42 and 51, under 35 U.S.C. § 103(a) as being unpatentable over Stanforth, in view of Dingman. As explained below, however, Applicant respectfully submits that the claimed invention is patentably distinct from Stanforth and Dingman, taken individually or in any proper combination; and accordingly traverses these prior art rejections of the claims. Nonetheless, to advance prosecution of the present application, Applicant has amended various ones of the claims to further clarify aspects of the present invention. In view of the amendments to the claims and the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

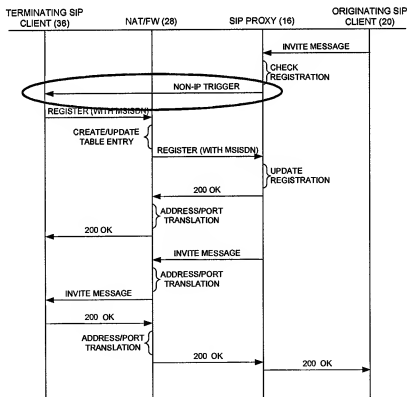
A. Claims 1-5, 7-14, 16-23, 25-32, 34-41, 43-50 and 52-54 are Patentable

The Official Action rejects Claims 1-5, 7-14, 16-23, 25-32, 34-41, 43-50 and 52-54 as being anticipated by Stanforth. Briefly, Stanforth discloses a gateway node and gateway controller of an ad hoc peer-to-peer mobile radio access system for interfacing that ad hoc system with a cellular network and/or public switched telephone network (PSTN). As disclosed, an ad hoc terminal registers with a particular gateway node and gateway to enable the ad hoc terminal to originate calls and other communication to the cellular network or PSTN via the ad

hoc network, or terminate calls and other communication from the cellular network or PSTN via the ad hoc network.

1. Claims 1-9, 19-27 and 37-45 are Patentable over Stanforth

According to a first aspect of the present invention, as reflected by independent Claim 1 and illustrated for example by FIG. 5 of the present application shown below (horizontally flipped and annotated for comparison purposes), an apparatus (e.g., proxy 16) is provided for establishing a communication session with a terminal (e.g., terminating SIP client 36). As recited, the apparatus includes a processor located in a network (e.g., public network 12) across which an originating client (e.g., originating SIP client 20) is configured to communicate. The processor is configured to receive a connection request (e.g., INVITE MESSAGE), and in response thereto, send a network-independent trigger (e.g., NON-IP TRIGGER) to the terminal.



Pat Appl., FIG. 5 (flipped)

In response to the trigger, the processor is configured to receive a registration message (e.g., REGISTER) via the network to thereby register the terminal with the apparatus and acquire a network-dependent identity of the terminal to thereby enable establishment of a communication session with the terminal based upon the network-dependent identity of the terminal.

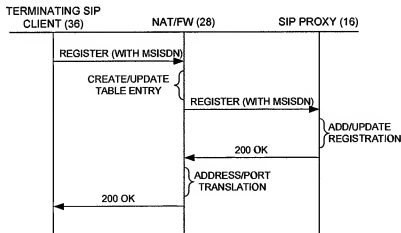
In contrast to the first aspect of the present invention (and, e.g., independent Claim 1 in particular), Stanforth (or Dingman) does not teach or suggest an apparatus (or processor thereof) in a network sending a network-independent trigger to a terminal in response to a connection request, and in response to the network-independent trigger, receiving a response via the network to thereby register the terminal with the apparatus and acquire a network-dependent identity of the terminal. Stanforth does disclose a gateway within an ad hoc network receiving a registration message from an ad hoc terminal to register the ad hoc terminal with the ad hoc network, or more particularly the gateway of the ad hoc network. Stanforth does not teach or suggest, however, that its gateway sends an ad-hoc-network-independent trigger to the terminal in response to which the gateway receives its registration message, similar to the processor of independent Claim 1 sending a network-independent trigger, in response to which the processor receives a registration message from the terminal. Instead, Stanforth clearly discloses that its terminal initiates registration with the ad hoc network. See Stanforth, paragraph [0042], [0055]-[0057].

Applicant notes that the Official Action cites a terminal call origination process, or rather messages of that process, as corresponding to the connection request and network-independent trigger of amended independent Claim 1. That is, with reference to FIG. 6 of Stanforth, the Official Action cites a terminal-to-gateway setup dialogue as corresponding to the recited connection request, and cites a gateway-to-terminal alerting message as corresponding to the recited network-independent trigger. Applicant respectfully submits, however, that even if one considered the terminal-to-gateway setup dialogue as a connection request, Stanforth does not teach or suggest its gateway (alleged processor) being configured to send the gateway-to-terminal alerting message (alleged network-independent trigger) in response to that dialogue (alleged connection request), similar to the processor of amended independent Claim 1.

Moreover, Stanforth does not teach or suggest its gateway (alleged apparatus) being configured to receive a registration message from the terminal in response to the gateway-to-terminal alerting message (alleged network-independent trigger) to register the terminal with the gateway (alleged apparatus) and acquire a network-dependent identity of the terminal, similar to the processor of amended independent Claim 1.

2. Claims 10-18, 28-36 and 46-54 are Patentable over Stanforth

According to a second aspect of the present invention, as reflected by amended independent Claim 10 and illustrated for example by FIG. 4 of the present application shown below, an apparatus (e.g., proxy 16) for establishing a communication session with a terminal (e.g., terminating SIP client 36) again includes a processor. As recited, similar to independent Claim 1, the processor is located in a network (e.g., public network 12) across which an originating client (e.g., originating SIP client 20) is capable of communicating. The processor is configured to receive a registration message (e.g., REGISTER) from the terminal via the network to thereby register the terminal with the apparatus. In this regard, the registration message includes a network-independent identity of the terminal (e.g., MSISDN). The processor is configured to send a network-independent trigger to the terminal based upon the network-independent identity of the terminal to thereby trigger the terminal to update registration of the



Pat Appl., FIG. 4

terminal with the apparatus, including acquisition by the processor of a network-dependent identity of the terminal to thereby enable establishment of a communication session with the terminal based upon the network-dependent identity (see, e.g., FIG. 5 above, NON-IP TRIGGER).

In contrast to the second aspect of the present invention (and, e.g., amended independent Claim 10 in particular), Stanforth (or Dingman) does not teach or suggest an apparatus (or processor thereof) in a network receiving a registration message from a terminal via a network, the registration message including a network-independent identity of the terminal so that the terminal may be sent a network-independent trigger in a manner similar to that recited by independent Claim 1. More particularly, Stanforth (or Dingman) does not teach or suggest an apparatus including a processor configured to receive, from a terminal via a network, a registration message including a network-independent identity of the terminal. Further, Stanforth (or Dingman) does not teach or suggest the processor being configured to send a network-independent trigger to the terminal based on the network-independent identity to thereby acquire a network-dependent identity of the terminal to thereby enable establishment of a communication session based upon the network-dependent identity of the terminal. Again, instead of disclosing its gateway triggering a terminal to update its registration with the gateway (much less via a network-independent trigger), Stanforth clearly discloses that its terminal initiates registration with the ad hoc network. See Stanforth, paragraph [0042], [0055]-[0057].

Applicant therefore respectfully submits that independent Claim 1, and by dependency Claims 2-9, is patentably distinct from Stanforth. Applicant also respectfully submit that amended or previously presented independent Claims 10, 19, 28, 37 and 46 recite subject matter similar to that of independent Claim 1, including the aforementioned triggering the terminal (or an apparatus) or identifying the terminal (or an apparatus) independent of the network for which a communication session may ultimately be established. As such, Applicant also respectfully submit that amended or previously presented independent Claims 10, 19, 28, 37 and 46, and by dependency Claims 11-18, 20-27, 29-36, 38-45 and 47-54, are patentably distinct from Stanforth for at least the same reasons given above with respect to independent Claim 1.

For at least the foregoing reasons, Applicant respectfully submits that the rejection of

Claims 1-5, 7-14, 16-23, 25-32, 34-41, 43-50 and 52-54 as being anticipated by Stanforth is overcome.

B. Claims 6, 15, 24, 33, 42 and 51 are Patentable

The Official Action rejects Claims 6, 15, 24, 33, 42 and 51 as being unpatentable over Stanforth, in view of Dingman. As explained above, independent Claims 1, 10, 19, 28, 37 and 46, and by dependency Claims 2-9, 11-18, 20-27, 29-36, 38-45 and 47-54, are patentably distinct from Stanforth. Applicant respectfully submits that Dingman does not cure the deficiencies of Stanforth. That is, even considering Dingman, neither Stanforth nor Dingman, taken individually or in any proper combination, teaches or suggests the aforementioned terminal-triggering feature, as recited by the claimed invention. And there is no apparent reason for one skilled in the art still to modify Stanforth with the teachings of Dingman to disclose the claimed invention. Thus, for at least the foregoing reasons as well as those given above with respect to amended independent Claims 1, 10, 19, 28, 37 and 46, Claims 6, 15, 24, 33, 42 and 51 are also patentably distinct from Stanforth, in view of Dingman.

Applicant accordingly submit that the rejection of Claims 6, 15, 24, 33, 42 and 51, as being unpatentable over Stanforth, in view of Dingman is overcome.

Application No.: 10/797,765
Amendment Dated August 4, 2008
Reply to Official Action of July 16, 2008

CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
LEGAL02/30888700v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON AUGUST 4, 2008.